

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHENIA DANCY-STEWART,)	
Plaintiff,)	
)	
v.)	C.A. No. 05-11803-MLW
)	
THOMAS TAYLOR, Jr., ET AL.,)	
Defendants.)	

ORDER

WOLF, D.J.

May 15, 2008

The April 16, 2008 Order required the parties to report "whether the plaintiff wishe[d] to voluntarily dismiss the City of Boston as a defendant." On April 29, 2008, the plaintiff reported that the plaintiff wished to dismiss "Count III" against the City of Boston. See Pl. Voluntary Dismissal of Count III. Count III is captioned "Municipal Liability."

The court assumes that the plaintiff meant to state her intention to dismiss voluntarily all claims against defendant City of Boston. Therefore, all claims against the City of Boston are hereby DISMISSED.

The court notes, however, that the Third Amended Complaint contains a claim titled "Count V: Survival Action" against the City of Boston. If the plaintiff wishes to reinstate this claim or any other claims it believes remain in the case against the City of Boston, she shall, by May 22, 2008, file a statement so stating.

If the plaintiff seeks to reinstate any claims against the City of Boston, the defendants are hereby given a one-week extension of the May 23, 2008 deadline for filing their motion for

summary judgment, so that their motion can also address any reinstated claims against the City of Boston.

If the plaintiff seeks to reinstate any claims against the City of Boston and the City's motion for summary judgment is subsequently found to be meritorious with regard to those claims, the court will assess under Federal Rule of Civil Procedure 11 whether the plaintiff had a proper basis for seeking to reinstate the claims and, if not, may impose an appropriate sanction.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE